

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 105.4 (2007 Iowa Acts, chapter 198, section 4), the Department of Public Health hereby gives Notice of Intended Action to adopt new Chapter 27, "Plumbing and Mechanical Systems Examining Board—Administrative and Regulatory Authority," Iowa Administrative Code.

These proposed rules describe the purpose and organization of the Plumbing and Mechanical Systems Examining Board. The rules also describe how this Board will conduct its business.

Any interested person may make written comments or suggestions on the proposed rules on or before September 30, 2008. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4529 or by E-mail to choulson@idph.state.ia.us.

These rules are intended to implement Iowa Code chapters 17A and 105 (2007 Iowa Acts, chapter 198, and 2008 Iowa Acts, House File 2390).

The following amendment is proposed.

Adopt the following **new** 641—Chapter 27:

CHAPTER 27

PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD—ADMINISTRATIVE AND REGULATORY AUTHORITY

641—27.1(17A,105) Definitions. For purposes of this chapter, the following definitions apply:

"Board" means the plumbing and mechanical systems examining board.

"Board office" means the office of the administrative staff.

"Department" means the department of public health.

"Disciplinary proceeding" means any proceeding under the authority of the board pursuant to which licensee discipline may be imposed.

"License" means a license to work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade.

"Licensee" means a person licensed to work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade.

"Overpayment" means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

641—27.2(17A,105) Purpose of board. The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 17A and 105 with regard to the licensing and regulation of plumbers and mechanical professionals. The mission of the board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and regulations of the licensure board. Responsibilities include, but are not limited to:

27.2(1) Licensing of qualified applicants to work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade by examination, renewal, endorsement, and reciprocity.

27.2(2) Developing and administering a program of continuing education to ensure the continued competency of individuals licensed by the board.

27.2(3) Imposing discipline on licensees as provided by statute or rule.

641—27.3(17A,105) Organization of board and proceedings.

27.3(1) The board shall be composed of 11 members appointed by the governor and confirmed by the senate.

27.3(2) The members of the board shall include:

- a.* The director of public health or the director's designee;
- b.* The commissioner of public safety or the commissioner's designee;
- c.* One plumbing inspector;
- d.* One mechanical inspector;
- e.* One contractor who works primarily in rural areas;
- f.* One individual licensed as a journeyman plumber pursuant to the provisions of Iowa Code chapter 105 or, for the initial membership of the board, an individual eligible for such licensure;
- g.* One individual working as a plumbing contractor and licensed as a master plumber pursuant to the provisions of Iowa Code chapter 105 or, for the initial membership of the board, an individual eligible for such licensure;
- h.* Two individuals licensed as journeyman mechanical professionals pursuant to the provisions of Iowa Code chapter 105 or, for the initial membership of the board, two individuals eligible for such licensure; and
- i.* Two individuals licensed as master mechanical professionals pursuant to the provisions of Iowa Code chapter 105 or, for the initial membership of the board, two individuals eligible for such licensure. One of these individuals shall be a mechanical systems contractor.

27.3(3) The board shall elect a chairperson, vice chairperson, and secretary from its membership at the first meeting after April 30 of each year.

27.3(4) The board shall hold at least four meetings annually.

27.3(5) A majority of the members of the board shall constitute a quorum.

27.3(6) Board meetings shall be governed in accordance with Iowa Code chapter 21, and the board's proceedings shall be conducted in accordance with Robert's Rules of Order, Revised.

27.3(7) The department shall furnish the board with the necessary facilities and employees to perform the duties required by this chapter but shall be reimbursed for all costs incurred from funds appropriated to the board and subsequent fees from licensing activities.

27.3(8) The board has the authority to:

- a.* Develop and implement a program of continuing education to ensure the continued competency of individuals licensed by the board.
- b.* Establish fees.
- c.* Establish committees of the board, the members of which shall be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons.
- d.* Hold a closed session if the board votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if fewer are present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. The board shall keep minutes of all discussion, persons present, and action occurring at a closed session and shall tape-record the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.
- e.* Investigate alleged violations of statutes or rules that relate to work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade upon receipt of a complaint or upon the board's own initiation. The investigation will be based on information or evidence received by the board.
- f.* Initiate and impose licensee discipline.
- g.* Monitor licensees that are restricted by a board order.
- h.* Perform any other functions authorized by a provision of law.

641—27.4(17A,105) Official communications.

27.4(1) All official communications, including submissions and requests, may be addressed to the Plumbing and Mechanical Systems Examining Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075.

27.4(2) Notice of change of address. Each licensee and licensed entity shall notify the board of a change of the current mailing address within 30 days after the occurrence.

27.4(3) Notice of change of name. Each licensee shall notify the board in writing of a change of name within 30 days after the occurrence.

641—27.5(17A,105) Office hours. The board office is open for public business from 8 a.m. to 4:30 p.m., Monday to Friday of each week, except holidays.

641—27.6(21) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained through the Iowa department of public health's Web site (<http://www.idph.state.ia.us>) or directly from the board office.

27.6(1) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. Requests to speak for two minutes per person later in the meeting when a particular topic comes before the board should be made at the time of the public comment period and may be granted at the discretion of the chairperson. No more than ten minutes will be allotted for public comment at any one time unless the chairperson stipulates otherwise.

27.6(2) Persons who have not asked to address the board during the public comment period may raise their hands to be recognized by the chairperson. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

27.6(3) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

27.6(4) Cameras and recording devices may be used at open meetings, provided the cameras or recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

These rules are intended to implement Iowa Code chapters 17A and 105.